

ARTICLE APPEARED
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NEW YORK TIMES
14 SEPTEMBER 1980

Police Query 5 Who Noted 'Commotion'

By JOSEPH B. TREASTER

Police investigators said yesterday they had found five persons who noticed "a commotion" at the Queens intersection where an aide to the Cuban mission to the United Nations was assassinated early Thursday evening, but none who actually saw the shooting.

Detectives continued to question merchants and residents in the vicinity of Queens Boulevard and 58th Street, where the killing took place, and Federal Bureau of Investigation agents were interviewing Cuban exiles in the large Cuban communities in Union City and West New York, N.J.

But so far they have been unable to find any members of Omega 7, the anti-Castro organization that has claimed responsibility for killing the aide, 41-year-old Félix García-Rodríguez, as he drove alone in a 1978 maroon Pontiac station wagon with simulated wood-grain paneling westbound on Queens Boulevard.

And they have no "strong leads" as to the identity of the gunman, the police said. They asked anyone with information on the crime to telephone (212) 520-9200.

Detectives said they had not yet received laboratory reports on the three .45-caliber shells that were found in or near a crosswalk at the intersection, but they said they believed the weapon had been an automatic pistol.

Dr. Elliot M. Gross, the city's Chief Medical Examiner, said he had not found any powder burns on Mr. García's body, and the police say they believe he may have been shot from about 10 feet away, probably from another car.

Mr. García was listed as an attaché in the Cuban Mission to the United Nations, but fellow employees and the police said he worked mainly as a chauffeur and messenger. He lived in the Cuban mission at 315 Lexington Avenue at 38th Street.

Both the F.B.I. and the New York police said they had nothing to indicate that Mr. García had been an intelligence agent, as had been suggested in some reports.

Cuban officials said Mr. García had been at the mission Thursday afternoon between 4:45 and 5:15 and had left there to have dinner with friends from the Cuban delegation in Queens.

The police said he had been shot at 6:20 P.M. in the left temple and left side of the neck. They said they had been able to trace his movements through the day until 6 P.M. when he stopped at a gasoline station at Northern Boulevard and 76th Street.

Police Seek Public's Help

Employees at the mission said Mr. García frequently bought gas at that station. They said the station was not on the way to the home where he was to have had dinner and that he would have had to double back toward Manhattan. This, they said, seemed to explain early speculation that Mr. García had been returning to Manhattan from Queens.

Where Cuban Aide Was Slain

Initially, the police had said that a man who had been driving behind Mr. García on a moped had reported that there had been no vehicles on either side of the station wagon when it veered out of control and slammed into a Volkswagen that was leaving the driveway of a service station on Queens Boulevard.

But detectives said yesterday that the moped rider later said he had seen cars on both the left and right side of Mr. García's station wagon. The moped rider, however, did not see anyone firing at Mr. García, nor could he describe either of the cars flanking his vehicle.

Between 6 P.M. and 7 P.M. Friday evening, the police diverted traffic from the three westbound lanes of Queens Boulevard at 58th Street into the westbound service road of two driving lanes and a parking lane. As the vehicles slowed, detectives and F.B.I. agents handed drivers a leaflet in Spanish and English describing the killing and asked if they had any information about it.

Five persons said they had "seen a commotion and activities," the police said. But what they were apparently referring to, the police said, were the collision that followed the shooting and the crowd that gathered. None of the five persons had seen a gunman or heard shots fired, the police said.

"We are very angry but we are not afraid," said Israel Olivera, building manager for the Cuban Mission to the United Nations. "When somebody kills your friend, it makes you angry — very, very angry. Maybe they are trying to make us afraid, but I don't have fear."

Mr. Olivera's sentiments were repeated by other employees yesterday inside the mission, on Lexington Avenue near 38th Street. They said they were determined that their lives would be as "normal" as before the slaying of a mission aide Thursday evening.

The aide, Félix García Rodríguez, whose duties at the mission have been described as that of a driver and a messenger, was gunned down as he drove his car along a busy street in Queens early Thursday evening.

Omega 7, an anti-Castro terrorist group, claimed responsibility for the murder in statements to news organizations that evening. The group has also claimed responsibility for a score of bombings and two murders in New York, New Jersey and Miami since 1975, and has threatened more assassinations.

Security Precautions Taken

As a precaution, the head of the mission, Dr. Raúl Roa Kouri, and his family have moved into the mission from his apartment on East 81st Street. Police protection outside the mission has been doubled to six uniformed officers at all times, and a visitor must pass through police barricades and a series of three locked doors before gaining entry.

Some mission members said yesterday that they did not feel that increased police protection was the answer to the threats Omega 7 had made.

"A cop outside my door will not solve my problem," said Miguel Alvarez, second secretary of the mission. "I still have to go outside. You have work — that cannot stop. To protect our people here, they have to find and prosecute the people who killed Félix García."

In an interview yesterday at the mission, Dr. Roa, the chief Cuban delegate to the United Nations, denied reports that the slain aide was a spy.

"He was a protocol officer at the mission — that is all," Dr. Roa said in an interview at the Cuban mission. "The media is trying to invent all these fabrications to justify what has happened, and that is that Félix García has been murdered in plain daylight."

Dr. Roa reaffirmed charges he made earlier this year that the members of Omega 7 — believed by law enforcement officials to number less than a dozen — were trained by the Central Intelligence Agency and that they are "known to the C.I.A. and the F.B.I."

"They are a small bunch of people that are engaged in active terrorist acts in the United States," Dr. Roa said at the time. "You see, these people have been trained by the C.I.A. to participate in actions of sabotage in Cuba and to assassinate our leaders. That's why they know how to use plastic explosives, sophisticated weapons; they have been trained in secret warfare."

"Many are ex-agents," he asserted. "They have all been C.I.A.-trained in the 60's and 70's."

Told of Dr. Roa's allegations that the Federal Bureau of Investigation knew the identities of members of Omega 7, Larry E. Whack, an F.B.I. agent who has been investigating the terrorist group for five years, said:

"Knowing and proving are two different things," Mr. Whack said in New York yesterday. "We are investigating the activities of people who we have information or reason to believe may be connected with Omega 7, but that's just one small aspect. Tying them directly to Omega 7 is another story. You need evidence and you need witnesses."